



EXPRESS SCRIPTS®

6625 West 78th Street
Mail Route BL0220
Bloomington, MN 55439

To: Representative Arlene Becker, Chair
Representative Mary Caferro, Vice Chair
Representative Pat Ingraham, Vice Chair
Members, House Human Services Committee

From: David M. Dederichs, Director, State Government Affairs
Express Scripts, Inc.

Re: Opposition to House Bill 267 (T. Henry)

Thank you for the opportunity to comment on House Bill 267: Prescription Drug Database and Monitoring Program. Express Scripts, Inc. ("ESI"), one of the nation's largest pharmacy benefit managers providing prescription benefits to approximately 50 million Americans, respectfully opposes House Bill 267. We serve Montana residents through our out-of-state mail order pharmacies, and it is in this capacity that we would like to share our concerns.

As an initial matter, please note that our objection is not related to the substance of the bill, but rather its parameters. ESI participates in prescription drug monitoring programs that help identify controlled substance abuse in numerous states. Our specific objections are as follows:

First, we contend that this legislation, as currently written, is too broad; Section 2(b) states that one of the stated purposes of this new prescription drug monitoring program is to allow "the board to monitor for possible misuse and diversion of controlled substances and drugs of abuse." Further, Section 5 states that "[t]he board may review the information in the prescription drug database for possible misuse and diversion of controlled substances and drugs of abuse." The bill itself, however, does not limit the prescription drug information to be reported; Section 3 states "each entity licensed by the board as a certified pharmacy or as an out-of-state mail order pharmacy that dispenses drugs to patients with a Montana address shall provide prescription drug order information for the database." Thus, although the bill's intentions may be to monitor controlled substances and drugs of abuse, the bill requires all prescription information be reported to the database.

Second, we would like to see a "waiver" included in the language for pharmacies that do not dispense, inventory or store controlled substances, and pharmacies that do not have a DEA Registration. Thus, those pharmacies that do not dispense controlled substances would not be subject to these reporting requirements. ESI has certain entities that would fit into these categories.

Third, Section 9 of the proposed legislation allows the board the authority to contract with outside professionals to administer the prescription drug database, but the language is silent on protecting the confidentiality of the drug information with these outside contractors. We would like to see more protection included in the language to address this issue.

Accordingly, ESI respectfully opposes House Bill 267.